

ENTER: January 2, 2014

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION**

MDL NO. 2326


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

This Document relates to:

TANYA GEORGE, et al.

CIVIL ACTION NO. 2:13-CV-17245

Plaintiff(s),

v.

BOSTON SCIENTIFIC CORP.,

Defendant.

MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

TO THE HONORABLE JUDGE GOODWIN:

Plaintiffs Tanya George and Charles Guzelli move this Court for leave to file an Amended Short Form Complaint. Plaintiffs have attached the proposed Amended Short Form Complaint to this Motion. For the following reasons, Plaintiffs respectfully request the Court grant their Motion as timely:

1. Plaintiffs are Tanya George and Charles Guzelli, and Defendant is Boston Scientific Corporation ("BSC").
2. Plaintiffs filed suit against BSC arising from injuries sustained from the implantation of a pelvic mesh device for stress urinary incontinence and/or pelvic organ prolapse.
3. Plaintiffs have received satisfactory proof that BSC is the proper party to this action.

4. Plaintiffs have recently learned of an additional pelvic mesh device - the Obtryx, manufactured by BSC, that was implanted in Plaintiff Tanya George.

5. Plaintiffs respectfully move this Court to grant leave to file an Amended Short Form Complaint to add the additional pelvic mesh device at issue in the instant suit.

6. Unless the opposing party can show prejudice or bad faith, a court should grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962). Leave to amend should be freely given when justice so requires. *Fed. R. Civ. P.* 15(a)(2).

7. Plaintiffs' filing of an Amended Short Form Complaint is not in bad faith and is not for the purpose of delay. Plaintiffs assure the Court that the filing of their Amended Short Form Complaint will not unduly prejudice Defendants.

8. Plaintiffs should be granted leave to file an Amended Short Form Complaint as the interests of justice so require.

9. Attached hereto is Plaintiffs' Amended Short Form Complaint.

FOR THESE REASONS, Plaintiffs pray that this Court grant their Motion for Leave so that Plaintiff may file her Amended Short Form Complaint, and for such other general relief to which Plaintiffs may be justly entitled.

Dated: December 18, 2013

/s Michael Akselrud

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